

rected Administrator to submit to Committees on Veterans' Affairs of Senate and House of Representatives not later than Apr. 1, 1989, a report on implementation, operation, and results of the pilot program.

§ 1710A. Required nursing home care

(a) The Secretary (subject to section 1710(a)(4) of this title) shall provide nursing home care which the Secretary determines is needed (1) to any veteran in need of such care for a service-connected disability, and (2) to any veteran who is in need of such care and who has a service-connected disability rated at 70 percent or more.

(b)(1) The Secretary shall ensure that a veteran described in subsection (a) who continues to need nursing home care is not, after placement in a Department nursing home, transferred from the facility without the consent of the veteran, or, in the event the veteran cannot provide informed consent, the representative of the veteran.

(2) Nothing in subsection (a) may be construed as authorizing or requiring that a veteran who is receiving nursing home care in a Department nursing home on the date of the enactment of this section be displaced, transferred, or discharged from the facility.

(c) The Secretary shall ensure that nursing home care provided under subsection (a) is provided in an age-appropriate manner.

(d) The provisions of subsection (a) shall terminate on December 31, 2013.

(Added Pub. L. 106-117, title I, §101(a)(1), Nov. 30, 1999, 113 Stat. 1547; amended Pub. L. 106-419, title II, §224(a), Nov. 1, 2000, 114 Stat. 1846; Pub. L. 108-170, title I, §106(b), Dec. 6, 2003, 117 Stat. 2046; Pub. L. 110-181, div. A, title XVII, §1706(b), Jan. 28, 2008, 122 Stat. 493; Pub. L. 110-387, title VIII, §805, Oct. 10, 2008, 122 Stat. 4141.)

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (b)(2), is the date of enactment of Pub. L. 106-117, which was approved Nov. 30, 1999.

AMENDMENTS

2008—Subsec. (c). Pub. L. 110-181 added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 110-387 substituted “December 31, 2013” for “December 31, 2008”.

Pub. L. 110-181 redesignated former subsec. (c) as (d). 2003—Subsec. (c). Pub. L. 108-170 substituted “December 31, 2008” for “December 31, 2003”.

2000—Subsec. (a). Pub. L. 106-419 inserted “(subject to section 1710(a)(4) of this title)” after “The Secretary”.

FINDING RELATED TO AGE-APPROPRIATE NURSING HOME CARE

Pub. L. 110-181, div. A, title XVII, §1706(a), Jan. 28, 2008, 122 Stat. 493, provided that: “Congress finds that young veterans who are injured or disabled through military service and require long-term care should have access to age-appropriate nursing home care.”

REPORT TO CONGRESSIONAL COMMITTEES

Pub. L. 106-117, title I, §101(i), Nov. 30, 1999, 113 Stat. 1550, required the Secretary of Veterans Affairs to submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the operation of section 101 of Pub. L. 106-117 not later than January 1, 2003.

§ 1710B. Extended care services

(a) The Secretary (subject to section 1710(a)(4) of this title and subsection (c) of this section)

shall operate and maintain a program to provide extended care services to eligible veterans in accordance with this section. Such services shall include the following:

(1) Geriatric evaluation.

(2) Nursing home care (A) in facilities operated by the Secretary, and (B) in community-based facilities through contracts under section 1720 of this title.

(3) Domiciliary services under section 1710(b) of this title.

(4) Adult day health care under section 1720(f) of this title.

(5) Such other noninstitutional alternatives to nursing home care as the Secretary may furnish as medical services under section 1701(10)¹ of this title.

(6) Respite care under section 1720B of this title.

(b) The Secretary shall ensure that the staffing and level of extended care services provided by the Secretary nationally in facilities of the Department during any fiscal year is not less than the staffing and level of such services provided nationally in facilities of the Department during fiscal year 1998.

(c)(1) Except as provided in paragraph (2), the Secretary may not furnish extended care services for a non-service-connected disability other than in the case of a veteran who has a compensable service-connected disability unless the veteran agrees to pay to the United States a copayment (determined in accordance with subsection (d)) for any period of such services in a year after the first 21 days of such services provided that veteran in that year.

(2) Paragraph (1) shall not apply—

(A) to a veteran whose annual income (determined under section 1503 of this title) is less than the amount in effect under section 1521(b) of this title;

(B) to a veteran being furnished hospice care under this section; or

(C) with respect to an episode of extended care services that a veteran is being furnished by the Department on November 30, 1999.

(d)(1) A veteran who is furnished extended care services under this chapter and who is required under subsection (c) to pay an amount to the United States in order to be furnished such services shall be liable to the United States for that amount.

(2) In implementing subsection (c), the Secretary shall develop a methodology for establishing the amount of the copayment for which a veteran described in subsection (c) is liable. That methodology shall provide for—

(A) establishing a maximum monthly copayment (based on all income and assets of the veteran and the spouse of such veteran);

(B) protecting the spouse of a veteran from financial hardship by not counting all of the income and assets of the veteran and spouse (in the case of a spouse who resides in the community) as available for determining the copayment obligation; and

(C) allowing the veteran to retain a monthly personal allowance.

¹ See References in Text note below.